

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

KEITH THOMAS,
TDCJ 624254,

Plaintiff,

versus

ERIC PIERSON, ET AL.,

Defendants.

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CIVIL ACTION H-12-1120

Opinion on Dismissal

Keith Thomas sues for civil rights violations. He is held in a halfway house under a Texas prison sentence. He has not moved to proceed as a pauper or paid the filing fee. He has sued seven other times in the federal courts in Texas. The district court dismissed at least four of his lawsuits as frivolous or for failure to state a claim recognized at law. *See Thomas v. Hanley, et al.*, 14:9609cv193 (E.D. Tex.); *Thomas v. Hanley, et al.*, 4:96cv624(E.D. Tex.); *Thomas v. Brady, et al.*, 1:96cv668 (E.D. Tex.), and *Thomas v. Ede, et al.*, 1:96cv247 (E.D. Tex.). When Thomas sued in those other cases, he was held in prison or jail. The district court dismissed these other cases before Thomas filed this case.

A prisoner may not bring a case in federal court as a pauper if, while imprisoned or detained, he brought three actions which the court dismissed as frivolous or for failure to state a claim, unless he is under imminent danger of serious physical injury. 28 U.S.C. § 1915(g). His allegations here do not show that he is under imminent danger of serious physical injury. A halfway house is a detention facility under the three-strikes rule. *Jackson v. Johnson*, 475 F.3d 261, 265 (5th Cir. 2007).

This complaint is dismissed. Thomas may refile his complaint on paying the filing fee.

Signed April 27, 2012, at Houston, Texas.


Lynn N. Hughes
United States District Judge